

AUG 22 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application: Robert NEWSTEDER

Serial Number: 09/989,202

Filed: November 21, 2001

Title: DIRECTORY INFORMATION SYSTEM FOR  
PROVIDING TOLL-FREE NUMBERS

Attorney Docket: 103177-41819-US

Customer No: 26345

Art Unit: 2163

Examiner: Uyen T. LE

Confirmation No: 9308

Mail Stop: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF ROBERT J. HESS UNDER 37 CFR § 1.131**

The undersigned, Robert J. Hess, declare that:

1. I am an attorney of record for US Serial No. 09/989,202 and am at the law firm of Gibbons, Del Deo, Dolan, Griffinger & Vecchione.
2. Attached is a true and accurate copy of a listing (marked Exhibit A) of computer files associated with the preparation and filing of US Serial No. 09/989,202.
3. To the right in that listing of Exhibit A are dates indicating the date that particular computer files were modified.
4. The identifier labeled "Application-WPD" bears a date of November 13, 2001 and is also enclosed. It's subject matter corresponds to the filed application, although the drawings were subsequently modified on November 15, 2001.
5. Due diligence in filing the application from November 15 onward has previously been established.

#1007791 v2  
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6. The identifier DESIGN-TRA corresponds to a design patent application that is filled out for this application but was not used. Instead, the identifier UTILITY TRANS-WPD dated November 16, 2001 was used instead since it corresponds to the filled utility patent application transmittal. While the design application transmittal was discarded once it does not apply to a utility patent application filing, it does show work being performed on November 14, 2001 in furtherance of patenting.

7. Should due diligence be an issue, time records could be obtained of the attorneys responsible if necessary, but it is believed there is sufficient documentation shown to evidence both earlier conception and due diligence in patenting the same.


8. Also enclosed is a true copy of email exchange (marked Exhibit B) between the undersigned and ACM Member Help dated August 17, 2005 and August 18, 2005, respectively. Their answer signifies in effect that the ACM publication ACM 1-58113-448-7 - 11/14/01 does not signify publication before the conference in which the paper was presented that took place 11/15/2001-11/16/2001. This is because their policy is NOT to publish papers prior to the conference during which the papers are presented. As such, the ACM publication does not qualify as prior art to the present application.

9. Enclosed as Exhibit C is a copy of the patent application corresponding to the identifier Application-WPD of Exhibit A.

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10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: August 22, 2005

  
Robert J. Hess